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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/037,443	12/21/2001	L. John Teuscher	BAL-108 (17451) 4830		
7	590 07/25/2003			•	
Neal P. Pierotti Dority & Manning Attorneys at Law, P.A. P.O. Box 1449 Greenville, SC 29602			EXAMINER		
			BOCHNA, DAVID		
			ART UNIT	PAPER NUMBER	
,			3679	3679	
			DATE MAILED: 07/25/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary Examiner			Applicati n N .	Applicant(s)					
Examiner David E. Boohna 3679 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Peri d for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edensions of time may be available under the provisions of 37 CFR 1.13(a). In no event, however, may a reply be timely filled shafe 3K(s) (MONTHS from the mailing date of this communication. If the period for reply specified above is less than thinty (30) days, a reply white the date of the period for reply specified above is less than thinty (30) days, a reply white the date of the communication of the period for reply specified above is less than thinty (30) days, a reply white the date of the communication of the period for reply specified above is less than thinty (30) days, a reply white the date of the communication of the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above is less than the period for reply specified above the date of this communication, the period for reply specified to reply specified to restrict and the mailing date of this communication, the reply specified and period for reply specified to period for reply specified to period for reply specified and period for reply to the date of the period for reply to the formal matters, prosecution as to the merits is claimed for reply specifi				2					
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 Interview Summary (PTO-413) Paper No(s) 5 Notice of Informal Patent Application (PTO-152) Other:	2) Notic	ce of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal						

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer '203 in view of Linder.

In regard to claims 1, 9-10 and 18, Palmer '203 discloses a connector for a respiratory assembly comprising a first section 44 being substantially cylindrical in shape, the first section having a first axis, the first section having a first passage there through to allow for transport of fluids and objects through the first section, the first section rotatably engageable with a first member of the respiratory assembly;

a second section 48' being substantially cylindrical in shape and being connected to the first section, the second section having a second axis, the second section having a second passage there through in communication with the first passage to allow for transport of fluids and objects through the second section, the second section rotatably engageable with a second member of the respiratory assembly. However, Palmer does not disclose that the angle between the first and second end is 120 degrees. Linder teaches that making respiratory connectors with different single constant angles (90 degrees in fig. 3 and approximately 120 degrees in figs. 4 and 6) is common and well known in the art. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the coupling angle of

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Palmer '203 to include one greater than 90 degrees, because making connectors for respiratory assemblies at various angles, approximately 90 and 120 degrees, is well known and common in the art, as demonstrated by Linder.

In regard to claims 2, 8, 11 and 17, the first member is a tracheal tube and the second member is a ventilating tube (see column 4, line 44).

In regard to claims 3 and 12, the first and second end couplings include hollow female bell housings 56, 62'.

In regard to claims 4, 5 and 13-14, a first sleeve 98, and a second sleeve 98' are included, both engage first annular ribs 70, 63' causing deflection (see fig. 6).

In regard to claims 6 and 15, each end has a stepped annular ring 106 and retainers 104.

In regard to claims 7 and 16, the body is made of plastic are made by injection molding and are substantially transparent (see claim 15).

Response to Arguments

3. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

David Bochna July 24, 2003